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Patent
Atty. Docket No. 904.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of : Timothy R. Lang
Application No. : 10/633,737
Filing Date : August 4, 2003
Title : COLOR TIMEPIECE
Confirmation No. : 5593
Art Unit : 2841
Examiner : Jeanne-Marguerite Goodwin

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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/Lisa M Gehrike/

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RESPONSE TO OFFICE ACTION MAILED JULY 17, 2006

Dear Madam:

Responsive to the Office Action mailed July 17, 2006, please amend the above-identified application as follows:

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1. (Currently amended) A timepiece comprising:

a display face including a first color on the face corresponding to a current predetermined measurement of time and a second color on the face corresponding to a consecutive predetermined measurement of time, wherein the second color fills the face clockwise as an interval of time elapses, wherein each color defines a predetermined measurement of time and wherein the use of color alone depicts the passage of time in both hours and minutes.

2. (Original) A timepiece according to claim 1, wherein the first color is a current hour, the second color is a consecutive hour, and the interval of time corresponds to minutes.

3. (Original) A timepiece according to claim 2, further including a line created by the intersection of the first color with the second color on the display face, wherein the position of the line along the display face indicates the number of minutes that have passed in the current hour, and wherein the line is not displayed on the face when 60 minutes have elapsed and the face is filled entirely with the second color.

4. (Original) A timepiece according to claim 1, wherein the display face is circular.

5. (Original) A timepiece according to claim 2, wherein each of the colors corresponds to a set of 24 different colors representing each of the 24 hours in a day.
6. (Original) A timepiece according to claim 2, wherein each of the colors corresponds to a set of 12 different colors representing each of the 12 hours in half of a day.
7. (Original) A timepiece according to claim 1, wherein a numerical hour indicia is displayed along a circumferential edge of the face.
8. (Original) A timepiece according to claim 1, wherein the time piece is a watch.
9. (Previously Amended) A timepiece comprising:
a display face including a color time field having a first horizontal axis representing a first unit of time and a second vertical axis representing a second unit of time, wherein the first unit of time and the second unit of time are minutes or seconds, wherein a colored section fills the color time field as time elapses and wherein a current color displayed in the colored section is one color in a set of different colors that correspond to a predetermined measurement of time.
10. (Original) A timepiece according to claim 9, wherein the predetermined measurement of time is each of the different hours in a day.
11. (Canceled)

12. (Previously Amended) A timepiece according to claim 10, wherein the colored section advances vertically with each passing second and horizontally with each passing minute.

13. (Previously Amended) A timepiece according to claim 12, wherein the color time field is a 60 unit x 60 unit grid having a set of 3,600 units, wherein a next color in the set of colors corresponding to a next consecutive hour begins to fill the color time field after the current color in the colored section representing a current hour has filled each of the 3,600 units in the grid.

14. (Original) A timepiece according to claim 9, wherein the timepiece is a watch.

15. (Original) A timepiece according to claim 10, wherein the set of colors includes 24 different colors representing each of the 24 hours in a day.

16. (Original) A timepiece according to claim 10, wherein the set of colors includes 12 different colors representing each of the 12 hours in half of a day.

17. (Original) A timepiece according to claim 10, further comprising a first set of indicia along the first axis marking intervals of the first unit of time and a second set of indicia along the second axis marking intervals of the second unit of time.

18. (Original) The timepiece according to claim 17, wherein the length of the first axis is substantially different than the length of the second axis.

19. (Currently Amended) A method of telling time comprising:

assigning a different color to a predetermined measurement of time;

displaying on a face of a timepiece a first color corresponding to a current predetermined measurement of time and a second color corresponding to a consecutive predetermined measurement of time, wherein each of the colors are displayed in a continuous loop representing the predetermined measurements of time that elapse in the day; and,

filling the face of the timepiece with the second color as an interval of time elapses;
wherein the use of color alone depicts the passage of time in both hours and minutes.

20. (Original) The method according to claim 19, wherein the predetermined measurement of time corresponds to each of the hours in a day and the interval of time corresponds to the minutes in an hour.

REMARKS

Claims 1-10 and 12-20 are pending in this application. Claims 1 and 19 have been amended. Claims 9, 10 and 12 -18 have been allowed. No new matter has been added and reconsideration of the application is respectfully requested.

Claim Rejections Under 35 U.S.C. Section 102

Claims 1-4, and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by US Patent 5,748,568 to Harrison (Harrison '568).

Under 35 U.S.C. § 102(b), "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Accordingly, Harrison must disclose each and every element of the claimed invention.

Claim 1 and its dependent claims 2-4 and 8 have been amended to claim a timepiece *wherein the use of color alone depicts the passage of time in both hours and minutes*, which is not disclosed or suggested by Harrison. Accordingly, claims 1-4 and 8 as amended, are not anticipated by Harrison the applicant respectfully requests withdrawal of this rejection.

Claims 19 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by US 6,771,101 to Bornovski.

Claims 19 and 20 have been amended to claim a method of telling time *wherein the use of color alone depicts the passage of time in both hours and minutes*, which is not disclosed nor suggested in Bornovski. More specifically, Bornovski does not utilize colors to represent predetermined measurements of time. Rather, Bornovski indicates measurements of time by the illumination of beads, and bands located on the beads. It is the location and illumination of the bands that indicates time, not the color of the bands. Colors are used only to differentiate between bands, not to represent predetermined measurements of time. Furthermore, at no point does Bornovski describe a method of utilizing colors to represent predetermined measurements of time, nor does Bornovski describe a color-to-time-increment method. Although Bornovski does list specific colors in Figure 10, the colors themselves have no specific meaning. Red could

be substituted for green or black for gray without changing the operation of the invention. It is not color that is used to represent time. Instead color is used to differentiate between structural bands. Again, it is the location and illumination of the bands that indicates time, not the specific color of the band. Accordingly, claims 19 and 20 as amended, are not anticipated by Bornovski and the applicant respectfully requests withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. Section 103

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all of the claim limitations. (MPEP 2142).

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harrison '568 in view of US Pub 2003/0193842 to Harrison (Harrison '842).

Harrison '568 discloses a time piece wherein the display face shows a numeric indicator of the current hour and the passage of minutes through shading the background of elapse time in a color distinct from the rest of the face display.

Harrison '842 however, discloses a variety of time pieces having a traditional minute hand, or a traditional digital time display. Although color is used to accent the face display, Harrison does not disclose or suggest the use of color alone to depict the passage of time in both hours and minutes as in the present invention.

Neither Harrison '568 nor Harrison '842 disclose nor suggest the use of a timepiece "*wherein the use of color alone depicts the passage of time in both hours and minutes.*" as recited in amended independent claim 1 either alone or in combination. Accordingly, dependent claim 5 is not unpatentable over Harrison '568 in view of US Pub 2003/0193842 to Harrison (Harrison '842) and the applicant respectfully requests withdrawal of this rejection.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Harrison '568 in view of US Patent 4,206,592 to Maue.

Harrison '568 discloses a time piece wherein the display face shows a numeric indicator of the current hour and the passage of minutes through shading the background of elapse time in a color distinct from the rest of the face display.

Maue discloses a time piece having a traditional twelve hour face display wherein a fixed color band fills in the space between each numeric indicator.

Neither Harrison'568 nor Maue disclose or suggest, either alone or in combination, a timepiece “*wherein the use of color alone depicts the passage of time in both hours and minutes*” as recited in amended independent claim 1 and its dependent claim 6. Accordingly, dependent claim 6 is not unpatentable over Harrison '568 in view of Maue and the applicant respectfully requests withdrawal of this rejection.

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Harrison '568.

Harrison '568 discloses a time piece wherein the display face shows a numeric indicator of the current hour and the passage of minutes through shading the background of elapse time in a color distinct from the rest of the face display.

Harrison does not disclose or suggest a timepiece “*wherein the use of color alone depicts the passage of time in both hours and minutes*” as recited in amended independent claim 1 and its dependent claim 7 Accordingly, dependent claim 7 is not unpatentable over Harrison '568 and the applicant respectfully requests withdrawal of this rejection

Conclusion

Applicant respectfully asserts that all claims are now in condition for allowance, and a Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at the telephone number appearing below should the Examiner have any questions regarding the prosecution of this application.

Respectfully submitted,

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